IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.6816 OF 2005

Pravin Dadasaheb Indulkar .. Applicant

Versus

The State of Maharashtra .. Respondent

Mr.Rahul Kulkarni for applicant

Mr.S.S.Pednekar, A.P.P. for State.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 14th November 2005.

P.C.

. Applicant has filed this application seeking anticipatory bail.

2. Applicant submits that, Manager of Konkan Mercantile Cooperative Bank Ltd. filed a private complaint under section 420, 465, 467, 120, 468, 470 read with 34 I.P.C. before the Chief Judicial Magistrate, Kolhapur. Allegations are that present applicant and others have cheated the bank. Persons have fraudulently availed loans from the bank. The Magistrate forwarded the case for investigation to the police station and the offence has been registered. Case of the prosecution is that one ficticious person Eknath Ramchandra Pandalkar was introduced for becoming member of the complainant bank for the purpose of raising loan. Cash loan was sanctioned by all the accused executing bogus documents. Person concerned was identified as Eknath Ramchandra Pandalkar.

3. On perusal of the materials produced it appears that the transaction is of the year 2001. Allegation as far as applicant is concerned is

that membership form was signed by the applicant. However, it is pointed out to me that before this document was signed on 12th June 2001, the concerned person was sanctioned cash credit facility of Rs.2 lakhs. Security was in the form of mortgage of land. The Director in charge signed this document on 12th June 2001. Membership form was filled up on 29th June 2001.

4. One of the accused Vishwas Tiruke has admistted his role in the transaction. On 9th November 2004, he has addressed a letter to the Chairman of the bank pointing out that individuals in whose names loans have been obtained are not those, whose photographs and signatures have been appended. There is no reference to the Applicant in this letter. Even the learned A.P.P. was unable to point out any role attributed to applicant save and except his signature on membership form.

5. It is pertinent to note that the other accused including Vishwas Tiruke have been granted anticipatory bail. The case is thus based on documents which are now in custody of the prosecution. All that A.P.P. seeks is that applicant should cooperate in investigation and also furnish his specimen signature. Applicant is ready and willing to extend all such cooperation. Accordingly, following order:-

i) In the event of the arrest of the applicant in connection with C.R.No.31 of 2004 registered with Laxmipuri Police Station, Kolhapur shall be released on bail subject to P.R. Bond in the sum of Rs.20,000/-.

ii) The bail is granted subject to condition that the applicant will attend the concerned Laxmipuri Police Station twice a week on every Monday and Thursday

between 10.00 a.m. and 12.00 noon.

iii) Bail is granted subject to condition that the applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of accusation against him soas to dissuade him from disclosing such facts to the Court or to the police officer/ investigating agency. The applicant shall not tamper with the prosecution evidence.

iv) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

v) This order will enure to the

benefit of the applicant only till charge sheet is filed. Thereafter he will be free to apply to the appropriate Court for appropriate relief.

vi) Application is disposed of in the above terms.

vii) Parties to act upon an authenticated copy of this order.

(S.C.DHARMADHIKARI, J)